

REMARKS

Claims 33-39, 42-52, 55-64, 67-70, 72, 74, 93, 94, 96, and 98-101 are pending, with claims 33, 46, 60, 68, 96, and 99 being independent. Claims 1-32, 40, 41, 53, 54, 65, 66, 71, 73, 75-92, 95, and 97 have been cancelled. Claims 33-39, 42-52, 55-64, 67-69, 72, 93, 94, 96, and 98 have been amended. Claims 99-101 have been added. No new matter has been introduced.

Specification Objections

The specification has been objected to as not providing antecedent support for “root” or “nested.” All instances of “root” and “nested” have been deleted from the claims. Accordingly, applicant respectfully requests reconsideration and withdrawal of this objection.

Claim Rejections—35 U.S.C. § 112

Claims 33, 36, 44, 46, 49, 56, 58, 60, 61, 68, 69, 75, 82-92, and 94 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 75 and 82-92 have been cancelled. All instances of “root” and “nested” have been deleted from claims 33, 36, 44, 46, 49, 56, 58, 60, 61, 68, and 69. Accordingly, applicant respectfully requests reconsideration and withdrawal of this rejection of claims 33, 36, 44, 46, 49, 56, 58, 60, 61, 68, and 69.

Claim Rejections Under 35 U.S.C. § 101

Claims 75-81, 91, and 92 have been rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Claims 75-81, 91, and 92 have been cancelled, which renders this rejection moot.

The Office Action has requested a clear disclaimer regarding claim 68. *See* Office Action mailed February 6, 2008 at page 3. Claim 68 recites self-contained package being embodied in a tangible computer readable medium. A tangible computer readable medium does not include a propagated signal. Accordingly, applicant respectfully requests reconsideration and withdrawal of this rejection of claims 68.

Claim Rejections—35 U.S.C. § 102

Claims 33-72 and 74-98

Claims 33-72 and 74-98 have been rejected under 35 U.S.C. § 102 as being anticipated by 'Netscape Smartupdate' as disclosed in Press Release 1 ("Netscape Launches Navigator 4.0 With Netcaster, Expanding Line of Client Products"), Press Release 2 ("Netscape and Lotus Partner to Offer eSuite Applets Through Netscape Netcenter Online Service"), and Spyker ("locally install Java applet support?"). Claims 40, 41, 53, 54, 65, 66, 71, 75-92, 95, and 97 have been cancelled. Applicants respectfully request reconsideration and withdrawal of this rejection because none of Press Release 1, Press Release 2, and Spyker describes or suggests an initial file or an initial content source being a markup language file, as recited in amended independent claims 33, 46, 60, 68, and 96.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claims 33, 46, 60, 68, and 96 and their respective dependent claims.

Claims 33, 34, 36-39, 41, 42, 44-47, 49-52, 54, 55, 57-64, 66-70, 72, 74, 83, 86, 88, and 90 have been rejected under 35 U.S.C. § 102 as being anticipated by Englander (Developing Java Beans, O'Reilly (June 1997)). Claims 41, 54, 66, 83, 86, 88, and 90 have been cancelled. Applicants respectfully request reconsideration and withdrawal of this rejection because Englander does not describe or suggest an initial file or an initial content source being a markup language file or content source, as recited in amended independent claims 33, 46, 60, and 68.

In rejecting amended independent claims 33, 46, 60, and 68, the Office Action contends that the initial file corresponds to Englander's 'PickleUser.class.' See Office Action mailed February 6, 2008 at page 5, first paragraph; page 8, second paragraph; and page 10, second full paragraph. However, a class file is not a markup language file. Furthermore, Englander does not describe or suggest an initial file or an initial content source being a markup language file.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claims 33, 46, 60, and 68 and their respective dependent claims.

Claim Rejections—35 U.S.C. § 103

Claims 35 and 48

Dependent claim 35, which depends from amended independent claim 33, and dependent claim 48, which depends from amended independent claim 46, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Rowe (U.S. Patent No. 5,964,836). However, Rowe does not cure the deficiencies in Englander noted above in connection with amended independent claims 33 and 46, nor does the Office Action contend that

Rowe does so. Accordingly, applicant requests reconsideration and withdrawal of the rejection of dependent claims 35 and 48.

Claims 40, 53, 65, and 71

Dependent claims 40, 53, 65, and 71 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Bates (U.S. Patent No. 5,877,766) (hereinafter Bates). Claims 40, 53, 65, and 71 have been cancelled, which renders this rejection moot.

Claims 43 and 56

Dependent claim 43, which depends from amended independent claim 33, and dependent claim 56, which depends from amended independent claim 46, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Oran (U.S. Patent No. 5,617,526). However, Oran does not cure the deficiencies in Englander noted above in connection with amended independent claims 33 and 46, nor does the Office Action contend that Oran does so. Accordingly, applicant requests reconsideration and withdrawal of the rejection of dependent claims 43 and 56.

Claims 75-77 and 79

Claims 75-77 and 79 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Renshaw (U.S. Patent No. 6,065,024). Claims 75-77 and 79 have been cancelled, which renders this rejection moot.

Claim 78

Dependent claim 78 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Renshaw further in view of Bates. Claim 78 has been cancelled, which renders this rejection moot.

Claims 80 and 81

Dependent claims 80 and 81 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Renshaw and further in view of Rowe. Claims 80 and 81 have been cancelled, which renders this rejection moot.

Claims 91 and 92

Dependent claims 91 and 92 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Renshaw and further in view of 'Netscape Smartupdate.' Claims 91 and 92 have been cancelled, which renders this rejection moot.

Claim 93

Dependent claim 93, which depends from amended independent claim 33, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of Neal. However, Neal does not cure the deficiencies in Englander noted above in connection with amended independent claim 33, nor does the Office Action contend that Neal does so. Accordingly, applicant requests reconsideration and withdrawal of the rejection of dependent claim 90.

Claims 82, 85, 87, 89, 96, and 98

Claims 82, 85, 87, 89, 96, and 98 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of 'Netscape Smartupdate.' Claims 82, 85, 87, and 89 have been cancelled. Applicants respectfully request reconsideration and withdrawal of this rejection of amended independent claim 96 and its dependent claim 98 because none of Englander, 'Netscape Smartupdate,' nor any proper combination of the two describes or suggests a first initial file being a markup language file, as recited in amended independent claim 96.

In rejecting amended independent claim 96, the Office Action contends that the first initial file corresponds to a .class file. See Office Action mailed February 6, 2008 at page 21, third full paragraph. However, a class file is not a markup language file.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claim 96 and its dependent claim 98.

Claims 95 and 97

Dependent claims 95 and 97 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Englander in view of 'Netscape Smartupdate' and further in view of Waldin (U.S. Patent No. 6,052,531). Claims 95 and 97 have been cancelled, which renders this rejection moot.

New Claims

New independent claim 99 recites, in part, an initial file that includes instructions for initiating execution of the application, the initial file being a markup language file. Applicant

submits that new independent claim 99 is allowable over the references of record, namely Englander, at least because Englander fails to describe or suggest the noted features of new independent claim 99 for the reasons discussed above.

Accordingly, for at least these reasons, applicant submits that independent claim 99 and its dependent claims are allowable.

Conclusion

Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due in connection with the filing of this paper on the Electronic Filing System (EFS). In the event that any fees are due, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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